

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

HAROLD RUSHING,

06-CV-1013-BR

Plaintiff,

OPINION AND ORDER

v.

SAIF CORPORATION, an Oregon  
public benefit corporation,  
and YVETTE BAKER,

Defendants.

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**BROWN, Judge.**

This matter comes before the Court on Plaintiff's Motion to Remand (#5). For the reasons that follow, the Court **GRANTS** Plaintiff's Motion.

#### **BACKGROUND**

On July 17, 2006, Defendants removed this case from Clackamas County Circuit Court to this Court on the basis of federal-question jurisdiction. On July 18, 2006, Plaintiff filed a Motion to Remand.

On July 21, 2006, the Court heard oral argument on the Motion on an expedited basis because the parties have a trial scheduled for July 28, 2006, in Clackamas County Circuit Court, and they intend to proceed to trial on that date if the Court grants Plaintiff's Motion to Remand.

#### **DISCUSSION**

For the reasons stated on the record at oral argument, the Court concludes the first-served defendant rule applies under the particular circumstances of this case and, therefore, the Court grants Plaintiff's Motion to Remand.

#### **CONCLUSION**

For these reasons, the Court **GRANTS** Plaintiff's Motion to

Remand (#5).

IT IS SO ORDERED.

DATED this 21<sup>st</sup> day of July, 2006.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge